

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

SHERMAN LAMONT FIELDS	§	
VS.	§	CIVIL ACTION NO. 1:25cv74
OFFICER ELLIOTT, ET AL.	§	

MEMORANDUM OPINION REGARDING VENUE

Plaintiff Sherman Lamont Fields, an inmate currently confined at the USP Lee in Jonesville, Virginia, proceeding *pro se*, brings this civil rights complaint against Officer Elliott and Medical Staff at the USP McCreary. Plaintiff complains of incidents which allegedly occurred at the USP McCreary located in Pine Knot, Kentucky.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Analysis

Venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. Here, Plaintiff complains of alleged constitutional violations which occurred at a facility in Pine Knot, Kentucky. Further, the defendants are located in Pine Knot, Kentucky. When public officials are parties to an action in their official capacities, they reside for venue purposes in the county where they perform their official duties, which in this case is Pine Knot, McCreary County, Kentucky. *Holloway v. Gunnell*, 685 F.2d 150 (5th Cir. 1982); *Lowrey v. Estelle*, 433 F.2d 265 (5th Cir. 1976).

Pursuant to 28 U.S.C. § 97, McCreary County is located within the jurisdictional boundaries of the United States District Court for the Eastern District of Kentucky. Accordingly, venue for such claims is not proper in the Eastern District of Texas.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). The claims in this action should be transferred to the Eastern District of Kentucky. An appropriate order so providing will be entered by the undersigned.

**SIGNED this the 4th day of April, 2025.**

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L Stetson  
UNITED STATES MAGISTRATE JUDGE